Remarks

The forgoing amendment has been made after a careful review of the present application, the references of record, and the Office Action dated July 10, 2003. In the Office Action, the examiner pointed out that the listing of US Patent no. 5,839,960 in the specification is insufficient under 37 CFR 1.98(b) for submitting a reference to be considered by the US Patent and Trademark Office. The examiner also raised certain minor objections to the drawings and rejected claim 3 under 35 USC 112.

Claims 1 and 10 were rejected under 35 USC 103(a) as being unpatentable over Walsh in view of Chapman, claim 2 rejected under 35 USC 103(a) as unpatentable over Walsh in view of Chapman and further view of Wynn. Claim 3 was rejected under 35 USC 103(a) as being unpatentable over Walsh in view of Chapman and in further view of Parra. Claims 4, 7, and 12 were rejected as being unpatentable over Walsh, Chapman, and Sines, and claim 5 was rejected as unpatentable over Walsh in view of Chapman and in further view of Parra. Claims 6 and 11 were rejected as unpatentable over Walsh in view of Chapman and in further view of Jones, and claims 8, 9, 13, and 14 were rejected as unpatentable over Walsh in view of Chapman and in further view of Breeding.

With respect to the examiner's comment regarding US Patent no. 5,839,960, the applicant notes that this patent was cited by the examiner and therefore a disclosure statement under 35 CFR 1.98(b) is no longer necessary with respect to this reference.

The examiner raised a technical rejection under 35 USC 112 as to claim 3, but claim 3 has been canceled for other reasons thereby overcoming the rejection under 35 USC 112.

The drawings have been amended as shown. Most of the amendment consists of correcting indicia numbers to the various elements of the invention. In Fig. 1, the microphone 80 has been added to the figure as has a silhouette of the head of a supervisor 81. The microphone 80 and the supervisor 81 are described on page 7 lines 19 and 20 of the specification and therefore the addition of these elements to the drawings does not constitute new matter. Once the examiner has approved the changes shown in red, the applicant will have the formal drawings amended to reflect these changes and will see that they are timely filed.

In rejecting the various claims of the application, the examiner has combined Walsh with Chapman to reach the structure of a gaming table having a canopy suspended over the gaming table by means of a pedestal positioned alongside the gaming table. The examiner asserts that Walsh disclosed the gaming table and that Chapman discloses the pedestal and that the two can be combined to reach the claims of the present invention.

The applicant hereby traverses the rejection of claims 1 and 10 and all the claims dependent upon claims 1 and 10 as being unpatentable over Walsh in view of Chapman. The examiner asserts that the crane of Chapman can serve as a pedestal of the type recited in claims 1 and 10. The applicant admits that Walsh discloses a structure which bears great similarities to the canopy of the

present invention. Specifically, Walsh discloses a surveillance fixture 22 which includes a plurality of lighting fixtures and at least one surveillance pod 31. The crane of Chapman, however, is in fact a camera crane of the type "used in motion pictures and television production" (column 1 lines 8 and 9). The crane involves a mobile base and a frame rotatably supported on a track so that the camera can be panned continuously clockwise or counterclockwise around the circumference of the mobile base. The device further includes a handle grip 274 to be gripped by an operator of the camera and the camera is moveable inwardly and outwardly along a track 60. The parts are assembled so that "sufficient clearance remains so that an operator's hand cannot become trapped between the moving parts" (column 9 lines 45, 46). The applicant submits that a camera crane of the type disclosed by Chapman is from an art that is nonanalogous to the lights and surveillance cameras mounted in a canopy surrounding the top of a casino gaming station. One skilled in the art of assembling gaming stations for casinos would not be familiar with the crane assembly of Chapman and would not expect that the crane assembly of Chapman would be useable inside of a casino. The applicant directs the examiner's attention to *in re Deminiski*, 796 F2d 436, 230 USPQ 313 (Fed. Cir. 1986) citing *in re Wood* 559 F2d 1032, 1036, 202 USPQ 171, 174 in which the test of nonanalogous art was stated as follows:

> The determination that a reference is from nonanalogous art is therefore twofold. First, we decide if the reference is within the field of the inventor's endeavor. If it is not, we proceed to determine whether the reference is reasonably pertinent to the particular problem for which the inventor was involved.

Using the forgoing test, the applicant asserts that cranes of the type used in the production of motion pictures and television productions is not in the field of the endeavor of constructing a casino gaming station and its associated amenities. Next, the test requires a determination of whether the reference is reasonable pertinent to the particular problem to which the inventor is involved. In this regard, the applicant submits that the device of Chapman is not reasonably pertinent to a pedestal for a gaming station. The device of Chapman is intended to provide a moveable mounting for a camera so that a cameraman can pan around the vehicle on which the camera is mounted and move horizontally and vertically with respect to the vehicle. Contrary to the examiner's position, a vehicle such as disclosed by Chapman would be anything but unobtrusive.

In a practical sense, one experienced in the art of forming gaming stations for casinos and the like would not be inclined to mount a canopy of the type disclosed by Walsh on a crane of the type disclosed by Chapman.

In addition to the above, the applicant asserts that two references cannot be combined unless at least one of the references suggests the combination of the references, see *in re Grabiak* 769 F2d 729, 226 USPQ 870 and *in re Geiger* 815F2d 686. There is no suggestion in Walsh of a need for supporting the lighting structure 22 other than suspension cables or rods 22 attached to the ceiling 24, and therefore there is no need for one familiar with Walsh to look for a reference similar to Chapman.

The remaining claims of the application are all dependent upon claims 1 and 10. The references cited with respect to the remaining claims, namely Sines, Wynn, and Parra do not overcome the deficiencies noted above with respect to the combination of Walsh and Chapman, and therefore none of the claims can be rejected in a combination of any of these references with Walsh and Chapman.

In view of the forgoing, the applicant submits that the claims of the application are in condition for allowance, and favorable reconsideration and allowance is requested.

Respectfully submitted,

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